



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,100	07/26/2000	Adam M. Gersting	426882000500	8237

20872 7590 09/11/2002
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,100

Applicant(s)

GERSTING, ADAM M.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,& 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-16 have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "100" in Figure 1, "200" and "213" in Figure 2, and "301" and "305" in Figure 3.
3. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-3, 5-11, and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 5-9, 11, and 13-16 are rendered vague and indefinite for use of the phrase "can be". The limitations containing this phrase are merely subjective inferences and not positive limitations.

Claims 2 and 10 are rendered vague and indefinite for use of the phrase "may be". The limitations containing this phrase are merely subjective inferences and not positive limitations.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-3, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Baxter et al (USPN 6,356,903).

As per claim 1, Baxter et al disclose a method for designing a coordinated content management and delivery system (web based content management system, see Figure 1) comprising the acts of, determining key considerations (requested content) related to the client environment (see column 4, lines 38-42); providing key processes (organizational and format components) for use in developing a solution to a system design problem (see column 5, lines 48-51); and applying these key considerations and processes to the system design problem with the assistance of a framework (outlines and associated templates, see column 5, lines 51-54) showing basic content management and delivery element relationships, whereby such a solution to the system design problem can be produced (see column 6, lines 15-27).

As per claim 2, Baxter et al disclose the solution to the system design problem includes facilities whereby coherent sales, training, electronic learning or marketing campaigns may be efficiently generated to web-based and other clients (training system, see column 4, lines 20-24).

As per claim 3, Baxter et al disclose the solution to the system design problem includes facilities whereby transaction processing and execution can be monitored and captured for adding data to a target customer's profile (user profile, see column 17, lines 18-24).

Claims 9-11 are rejected based upon the rejection of claims 1-3, since they are the system claims corresponding to the method claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-8, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), as applied to claims 1 and 9 above, in further view of Swartz et al (USPN 6,236,994).

As per claim 4, Baxter et al does not explicitly disclose the framework is a formalized framework for supporting assessment of needs, and planning and implementing of content management solutions. Swartz et al disclose planning based on various information sources and decision points (see column 7, lines 58-62). Swartz et al also discloses a framework to build, augment, and represent (i.e. assess, plan, and implement) the integration knowledge (content) base (see column 18, lines 55-64). Both Baxter et al, and Swartz et al are concerned with management of content (i.e. knowledge, data, and information), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a formalized framework in Baxter et al, as seen in

Art Unit: 3623

Swartz et al, thereby having a construct to assist the user in consistently delivering suitable content management solutions.

As per claims 5-8, Baxter et al does not explicitly disclose the formalized framework and associated processes and considerations being used to; guide discussions about desired capabilities of the desired content management and delivery system, develop a meaning of content management and a set of process considerations required for the definition, assess the business capabilities to be supported, and achieve an effective design solution including an assessment of available products and services. Swartz et al disclose the ability to visualize and explore (discuss) past, present, and potential decisions based on the content (see column 7, lines 49-55) Further, Swartz et al disclose implementing the system in one or more phases of complexity, based on the problem (i.e. developing and assessing the content management to achieve an effective design solution, see column 8, lines 45-49). Both Baxter et al, and Swartz et al are concerned with management of content (i.e. knowledge, data, and information), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

Art Unit: 3623

SMD

Claims ¹²⁻¹⁶~~9-16~~ are rejected based upon the rejection of claims ⁴⁻⁸~~1-8~~, since they are the system claims corresponding to the method claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Ludwig et al (USPN 6437818) disclose a video collaboration system.

-Aganovic et al (USPN 6105042) disclose an improved information management system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and After-Final communications, and (703) 746-7305 for informal/draft communications.

Art Unit: 3623

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the receptionist whose telephone number is
(703) 308-1113.

adb

adb
September 6, 2002

Susanna Diaz
Susanna Diaz
Patent Examiner
Art Unit 3623